

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 11 2005 ★

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UNITED STATES OF AMERICA,

BROOKLYN OFFICE

-against-

PRELIMINARY
ORDER OF FORFEITURE

Cr. No. 03-1138

ALEXIS HERNANDEZ,

Defendant.

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WHEREAS, in the Forfeiture Allegation of the Information in the above-captioned case, the United States charged the Defendant, Alexis Hernandez, with violating 18 U.S.C. § 2252; and

WHEREAS, on or about October 24, 2003, the Defendant ALEXIS HERNANDEZ pled guilty to a One-Count Information, charging the Defendant with a violation of 18 U.S.C. § 2252; and

WHEREAS, by virtue of the Defendant pleading guilty and the Court's acceptance of the Defendant's guilty plea, the United States is now entitled to possession of said property, pursuant to 18 U.S.C. § 2253.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That judgment shall be entered against Defendant, ALEXIS HERNANDEZ, and pursuant to 18 U.S.C. § 2253 he

shall forfeit to the United States all of his right, title and interest in the following property including but not limited to, One Compaq Presario 7478 desktop computer serial number 1X01DCTHD25M, Maxtor 33073H3 hard drive serial number L3J85BJC, Maxtor 93071U6 hard drive serial number G6054ZDC and CDs and DVDs.

2. That based upon the plea agreement, the United States is hereby authorized to seize and forfeit in accordance with law from the Defendant, ALEX HERNANDEZ all of his property, subject to the provisions of 18 U.S.C. § 2253 including but not limited to, the following property, One Compaq Presario 7478 desktop computer serial number 1X01DCTHD25M, Maxtor 33073H3 hard drive serial number L3J85BJC, Maxtor 93071U6 hard drive serial number G6054ZDC and CDs and DVDs.

3. That pursuant to 21 U.S.C. § 853 (n) (1), as incorporated by 18 U.S.C. § 982, the United States shall forthwith cause to be published in accordance with the custom and practice in this district in a newspaper of general circulation in the area in which the forfeited property is located, notice of this order, notice of the United States intent to dispose of the property in such a manner as the Attorney General may direct and notice that any person, other than the Defendant, having or claiming a legal interest in the above-referenced forfeiture judgment must file a petition with the Court within (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought.

5. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the property that is subject to the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

6. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 982, in which all interests will be addressed.

IT IS FURTHER ORDERED that the Clerk of the Court shall forward six (6) certified copies of this Preliminary Order of Forfeiture to Assistant United States Attorney Claire Kedeshian, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York.

Dated: Brooklyn, New York
June 24, 2005

HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE